



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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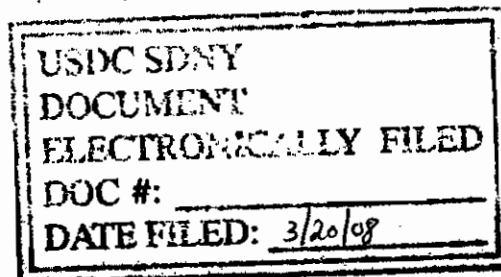
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March 19, 2008

**BY FAX**

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Honorable Denny Chin  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1020  
New York, New York 10007



Re: Alejandro Perea-Torres, et al. v. City of New York, et al.  
07 Civ. 9434 (DC)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City of New York. This Court previously granted defendant an extension of time until March 24, 2008 to respond to the complaint. Defendant respectfully submits that a further extension is necessary owing to factors, detailed herein, which have prevented our office from properly investigating plaintiffs' claims and thus satisfying our obligations under Rule 11 of the Federal Rules of Civil Procedure.<sup>1</sup>

Plaintiffs allege that they were falsely arrested following an incident on July 22, 2006, in which plaintiffs claim they were arrested by New York City Police Officers. Moreover,

<sup>1</sup> There is no indication whether the individually named defendant, Det. Phillip Morgan, has been served the summons and copy of the complaint. This office has not received a request for representation from this individual, nor does the docket sheet indicate that this individual has been served. Without appearing on his behalf, or making any representations as to the adequacy of process on him, it is respectfully requested that, if he has been properly served, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representation issues are being decided.

With respect to the individuals named in the complaint as "U.C. #5778" and "U.C. #14341," defendant City informed plaintiffs' counsel on February 22, 2008 that, upon information and belief, no undercover officers are currently assigned these shield numbers.

plaintiffs assert that the criminal charges brought against them were subsequently dismissed. In order for defendant to obtain any information associated with this case, plaintiffs must first provide our office with a consent and authorization form for the release of records which are sealed pursuant to N.Y.C.P.L. § 160.50. This executed release is necessary for our office to obtain police records pertaining to the allegations asserted in the complaint.

By Order dated February 29, 2008, the Court instructed plaintiffs to provide defendant with § 160.50 releases forthwith. Furthermore, defendant spoke with plaintiffs' counsel regarding the § 160.50 releases on February 29, 2008, and sent plaintiffs additional releases on both February 29, 2008 and March 3, 2008.

On March 17, 2008, plaintiffs provided defendant with one executed release on behalf of plaintiff Durand Auguste, and this afternoon, another release on behalf of plaintiff Ewart Burton. Plaintiffs, however, have yet to provide this office with an executed § 160.50 authorization for plaintiff Alejandro Perea-Torres. As plaintiff has only recently provided two of the executed releases and has yet to provide the third release, defendant has been unable to obtain the documents necessary to investigate plaintiffs' allegations and respond to the complaint. Plaintiffs' counsel, Glenn A. Wolther, has represented to defendant that he is still in the process of obtaining the outstanding release from his client. Therefore, defendant respectfully requests that plaintiffs be directed to execute and return a § 160.50 authorization on behalf of plaintiff Alejandro Perea-Torres by a date certain, and that defendant be granted three weeks, from the date plaintiffs provide the releases, to respond to the complaint. Plaintiffs' counsel consents to this request.

I thank the Court for its time and consideration of this request.


*This application is GRANTED in part and DENIED in part. I will not extend defendants' time to respond to the complaint indefinitely. The time to*

*cc: Glenn A. Wolther, Esq., attorney for plaintiffs (by Fax: (212) 964-0763).*

*respond to the complaint is extended until April 15, 2008. FINAL. Plaintiffs are directed to execute and return the § 160.50 authorization within one week period.*

*SO ORDERED.*

Respectfully submitted,

  
Amy N. Okereke  
Assistant Corporation Counsel  
Special Federal Litigation Division

  
USD 3/20/08